

Brendan J. O'Rourke*
borourke@proskauer.com
Alexander Kaplan*
akaplan@proskauer.com
Jennifer L. Jones*
jljones@proskauer.com
Victoria L. Loughery*
vloughery@proskauer.com
PROSKAUER ROSE LLP
Eleven Times Square
New York, NY 10036
Phone: (212) 969-3000
Facsimile: (212) 969-2900
* Admitted *Pro Hac Vice*

Robert H. Horn (SBN #134710)
rhorn@proskauer.com
PROSKAUER ROSE LLP
2049 Century Park East, 32nd Floor
Los Angeles, CA 90067-3206
Phone: (310) 557-2900
Facsimile: (310) 557-2193

Attorneys For Defendant-
Counterclaim Plaintiff Radiancy, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TRIA BEAUTY, INC.,
Plaintiff,

vs.

RADIANCY, INC.,
Defendant.

RADIANCY, INC.,
Counterclaim Plaintiff,

vs.

TRIA BEAUTY, INC.,
Counterclaim Defendant,

and

KIMBERLY KARDASHIAN,
Counterclaim Defendant.

CASE NO. CV-10-5030 (RS) (NJV)

**DEFENDANT-COUNTERCLAIM
PLAINTIFF RADIANCY, INC.'S
MOTION FOR ADMINISTRATIVE
RELIEF PURSUANT TO CIVIL
LOCAL RULES 7-11 AND 79-5 TO
FILE DECLARATION EXHIBITS
AND PORTIONS OF RADIANCY,
INC.'S MEMORANDUM OF POINTS
AND AUTHORITIES IN OPPOSITION
TO KIMBERLY KARDASHIAN'S
MOTION FOR SUMMARY
JUDGMENT OR PARTIAL
SUMMARY JUDGMENT UNDER
SEAL**

Judge: Hon. Richard Seeborg

Trial Date: July 23, 2012

TO THE HONORABLE RICHARD SEEBORG AND PLAINTIFF-COUNTERCLAIM
DEFENDANT TRIA BEAUTY, INC. AND ITS ATTORNEYS OF RECORD:

Pursuant to Civil Local Rules 7-11 and 79-5, Defendant-Counterclaim Plaintiff Radiancy, Inc. ("Radiancy") moves the Court to file under seal certain Exhibits to the Declaration of Victoria L. Loughery in Support of Defendant-Counterclaim Plaintiff Radiancy, Inc.'s Motion for Partial Summary Judgment (the "Loughery Declaration") and portions of Radiancy's Memorandum of Points and Authorities in Support of Radiancy, Inc.'s Motion for Partial Summary Judgment (the "Memorandum"). Radiancy files this motion in compliance with paragraph 18 of the Protective Order in this matter (Dk. No. 85) (the "Protective Order"), Civ. L. R. 79(d), and in a good faith effort to maintain the confidentiality of material designated as "Confidential" and "Attorneys Eyes Only" by Plaintiff-Counterclaim Defendant TRIA Beauty, Inc. ("TRIA").

Description of Documents Submitted Under Seal

TRIA Beauty Inc. ("TRIA") has designated Exhibits 1, 3, 5, 6, 8-16, 18-21, 27-30, 32, 33, 35, and 37 to the Loughery Declaration "Confidential Attorneys' Eyes Only." Exhibits 1 and 5 to the Loughery Declaration also contain portions that TRIA has designated "Confidential." In addition, TRIA has designated Exhibits 2, 7, 31, 34, and 36 to the Loughery Declaration "Confidential." Radiancy's Memorandum also contains excerpts from and discussions of documents that TRIA has designated "Confidential Attorneys' Eyes Only" or "Confidential." Accordingly, Radiancy submits the Loughery Declaration and the Memorandum for filing under seal pursuant to Civil Local Rules 79-5(d).

In accordance with Rule 79-5(c)(3), Radiancy is lodging with the Clerk a copy of the Memorandum and Loughery Declaration which contain the sealable portions of the document highlighted within the text for filing under seal.

Conclusion

Based on the foregoing, Radiancy respectfully requests that the aforementioned documents be filed under seal, and the redacted versions of such documents to be filed in the public record.

Dated: April 19, 2012

Respectfully submitted,

PROSKAUER ROSE LLP


Robert H. Horn

Brendan J. O'Rourke*

Alexander Kaplan*

Jennifer L. Jones*

Victoria L. Loughery*

Attorneys for Defendant-Counterclaim

Plaintiff Radiancy, Inc.

*Admitted pro hac vice